



Integrated Family and Criminal Court (IFCC) Protocol

Starting in October 2017, we will be piloting the Integrated Family and Criminal Court (IFCC) Project. This court will allow matters that have concurrent family/child protection court files and criminal proceedings to participate in a program to assist the parties, the Ontario Court of Justice and Superior Court of Justice to make orders that are consistent, and in the best interest of children and separated parties.

The project would allow for a coordinated approach in assisting parties with family and criminal and/ or child protection matters before the court. Subject to admission criteria for participation (including consents from all parties involved) parties would have a special family case conference date at which time a pre-case conference meeting would be attended by the Crown, defence counsel, family counsel, CFSA counsel and the Office of the Children's Lawyer to discuss resolving the parties concurrent issues at least on a temporary basis. The meeting would assist the criminal court and family court to make consistent orders that are in the best interests of children and which stabilize and assist the family while their legal issues make their way through the courts.

In the event that a family matter has concurrent criminal or child protection proceedings, either criminal or family counsel, with the consent of the clients, may fill out the enclosed application for participation in the program. Counsel on all matters must consent to participate.

Matters that qualify for participation in the protocol would be set to a special case conference date on the second and fourth Friday of each month commencing October 13, 2017. The case conferences for these matters would start at 3:00 p.m. and would be preceded by a meeting at 2:00 p.m. which would be attended by defence counsel, family counsel, the Crown and the OCL as well as a Judge or Master. The goal of the meeting would be to explore the possibility of resolving the family and criminal matter. This could result in a temporary or even final family court order on consent which could set out access, participation in programs and treatment, child and/or spousal support and exclusive possession of the matrimonial home as well as other relief. It could also result in variations of release conditions or conditions of probation. If the parties consent to a variation of release conditions, the consent could be signed at that meeting and brought to a Justice of the Peace in due course.

The application forms are to be sent to the Crown Attorney's office for vetting and if a matter is cleared for participation in the IFCC, the application shall be given back to the requesting counsel with the Crown's approval. A case conference will be set by the requesting counsel by communicating with the Masters' assistant for either a date on the second or fourth Friday of the month and shall be confirmed within one week. In order to set an IFCC case conference date, counsel who applies for participation in the protocol shall be responsible for canvassing all other counsel for their date availability and shall include the said date in the application. Once a case conference date is set, a notice of case conference shall be sent by the requesting party's lawyer, to CAS, Crown and other counsel involved with a cover letter identifying the date as an IFCC date.

On that date, the parties' counsel will meet at 2:00 p.m. in the O'Connor boardroom on the 5th floor (room 5023 within T.C. Office) with the Crown, CAS (if involved) and a judicial officer to explore resolution. The clients themselves will not attend this meeting but will attend the case conference set for 3:00 p.m.

A case conference brief as well as a 14C confirmation form will be required for the case conference.

June 19, 2017